

FILED

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(ALEXANDRIA DIVISION)

2015 JUN 24 A 9 38

Bryan Robinson

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Plaintiff,

v.

COMPLAINT

CIVIL ACTION NO. 1:15-CV-796

JURY TRIAL DEMANDED

(TSE/MSN)

ProTech Dental Studio, Inc.  
P.O. Box 536  
Oakton, Virginia 22124

Service on Registered Agent:  
Duck K. Lee  
5105 E Backlick Road  
Annandale, Virginia 22003

Duck K. Lee  
(In his individual capacity)  
1890 Preston White Drive  
Suite 300  
Reston, Virginia 20191

Defendants.

**COMPLAINT**

Plaintiff, Bryan Robinson ("Mr. Robinson" or "Plaintiff"), by counsel, hereby complains and alleges as follows:

**NATURE OF THE CASE**

1. This is an action brought under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 et seq., by Plaintiff against Defendants ProTech Dental Studio, Inc. and Duck K. Lee ("Lee") (jointly referred to as "Defendants") for minimum wage and overtime violations of the FLSA. Plaintiff seeks his unpaid minimum wages and overtime wages, an equal amount as liquidated damages, plus his reasonable attorney's fees and expenses.

### **JURISDICTION AND VENUE**

2. This court has subject matter jurisdiction over the FLSA claims under 28 U.S.C. § 1331 and 28 U.S.C. §1337.

3. Venue is proper in this district and in this division by virtue of 28 U.S.C. §1391(b) because, among other reasons, a substantial part of the events or omissions giving rise to the claims occurred in this district. Plaintiff was employed in this district and in this division by defendants, and defendants maintain their headquarters in this district and in this division.

### **THE PARTIES**

4. Plaintiff is an adult male resident of Ashburn, Virginia. Plaintiff was employed by defendants from October, 2007, until May, 2015. At all times relevant to this complaint, Plaintiff was employed by Defendants in this District and within this Division.

5. Defendant ProTech Dental Studio, Inc. is, upon information and belief, a Virginia corporation. ProTech has its principal place of business located in Reston, Virginia. ProTech at all times relevant to this Complaint conducted business activity in Fairfax County, Virginia, in this District. ProTech is an enterprise as defined at 29 U.S.C. § 203(r)(1) and is an enterprise engaged in interstate commerce as defined at 29 U.S.C. § 203(s)(1)(A). At all times relevant to this Complaint, ProTech was an employer of Plaintiff under the terms of the FLSA.

6. At all times relevant to this Complaint, Defendant Duck K. Lee ("Lee") was an employer of Plaintiff and was the owner of ProTech. At all times relevant to this Complaint, Lee exercised significant control over the day to day happenings at ProTech with regard to Plaintiff, including the power to select and hire any employee, the power to fire any employee, the power to set wages and compensation for any employee, and the power to control any employee.

7. At all times relevant to this Complaint, Lee was an employer of Plaintiff for purposes of the FLSA.

**FACTS**

8. On information and belief, ProTech had an annual gross volume of sales or business done of \$500,000.00 or more at all times relevant herein.

9. All Defendants together had an annual gross volume of sales or business done of \$500,000.00 or more at all times relevant herein.

10. ProTech and/or Lee were an enterprise engaged in interstate commerce or in the production of goods for interstate commerce as defined by the FLSA, at all times relevant herein.

11. At all times relevant to this Complaint, Defendants were all employers of Plaintiff under the FLSA.

12. Defendants all engaged in interstate commerce by such means as regularly making telephone calls to persons in other states, receiving payments from persons in other states, and using goods manufactured in other states.

13. Defendants and/or their agents required and/or suffered or permitted Mr. Robinson to work uncompensated overtime hours.

14. Defendants and/or their agents often required Mr. Robinson to incorrectly record his hours spent working in order to avoid the overtime and record keeping requirements of the FLSA.

15. In some or all workweeks, Defendants failed to maintain regular pay periods and failed to correctly account for Mr. Robinson's hours of work.

16. Defendants failed to inform Mr. Robinson of his rights under the FLSA and/or misled Mr. Robinson concerning his rights under the FLSA.

**COUNT ONE—VIOLATION OF FLSA MINIMUM WAGE AND OVERTIME REQUIREMENTS**

17. The allegations of the preceding paragraphs are here realleged and reincorporated by reference.

18. Defendants did not compensate Mr. Robinson for all hours that Defendants required and/or “suffered or permitted” Mr. Robinson to work with the actual or constructive knowledge of Defendants.

19. Defendants regularly and willfully required Mr. Robinson to work in excess of 40 hours during a workweek and/or “suffered or permitted” such overtime work

20. Defendants did not pay Mr. Robinson one and one-half times his regular rate of pay for all hours worked in excess of 40 in each workweek (i.e., overtime hours worked).

21. Defendants regularly and willfully violated the FLSA by not compensating Mr. Robinson for all hours she was required and/or “suffered or permitted” to work and/or by not paying all overtime compensation due to Mr. Robinson and/or making deductions from his pay that reduced the minimum and/or overtime wages required to be paid to Mr. Robinson.

22. By reason of the foregoing, Plaintiff has been damaged and is due unpaid compensation (including unpaid overtime compensation), an amount equal to that unpaid compensation as liquidated damages, as well as reasonable attorneys’ fees, expenses, and costs under 29 U.S.C. §216(b).

**PRAYER FOR RELIEF**


WHEREFORE, Plaintiff demands judgment against Defendants ProTech Dental Studio, Inc., and Duck K. Lee, jointly and severally, for his unpaid compensation in an amount to be determined at trial, an amount equal to that unpaid compensation as liquidated damages, interest,

reasonable attorney's fees and expenses, costs, and such other relief as this Court considers proper.

Plaintiff demands a trial by jury.

DATED: 6/23/15

Respectfully Submitted,  
Bryan Robinson  
By and through his Attorneys,



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Zachary A. Kitts  
Virginia Bar # 47052  
Counsel for Plaintiff  
K&G Law Group, PLLC  
3554 Chain Bridge Road, Suite 100  
Fairfax, Virginia 22030  
Phone: 703-649-5500  
Fax: 703-649-6363  
Email: [zkitts@kglawpllc.com](mailto:zkitts@kglawpllc.com)

FLSA CONSENT FORM

I hereby consent to be a party plaintiff in this action brought pursuant to the Fair Labor Standards Act to recover my unpaid minimum and/or overtime wages, liquidated damages, attorney's fees and costs from my former employers. I understand that I will be bound by the results of this litigation to recover my unpaid wages, overtime, liquidated damages, attorney's fees, and costs. I hereby request that my attorneys be paid their reasonable attorney's fees and costs.

Bryan Jermal Robinson  
Full Legal Name (print)

43805 Central Station Dr. Apt 201-B  
Street Address

Ashburn Virginia 20147  
City State Zip

571) 340-4643  
Phone

Bryan J. Robinson  
Signature

June 22, 2015  
Date

Return this form to: Zachary A. Kitts  
K&G Law Group, PLLC  
3554 Chain Bridge Road  
Suite 100  
Fairfax VA 22030  
Phone: 703-649-5500